

## REMARKS

The undersigned thanks Examiner Frank Lawrence for his courtesy and consideration during two telephone interviews on February 14 and February 15, 2006.

Certain of the claims have been rejected under 35 USC § 112 in view of language contained therein resulting from a transposition of elements. These errors have been corrected by the above amendments to the claims. Withdrawal of the rejection under 35 USC § 112 is respectfully requested.

The claims have been rejected as either anticipated by or obvious over certain of the two Burris patents, Nos. 5,207,993 and 5,213,773 and Burris Publication No. US2002-0094309. It is conceded that each of these documents discloses entrainment of ozone in water. The methodology disclosed in each is somewhat different but there exists a common element. In the '993 patent, a check valve 18 is disposed downstream of ozone generator 15. As is well known, ozone has very strong oxidative properties. Thus, the ozone flowing through check valve 18 will have a tendency to oxidize parts or all of the check valve with a resulting failure at some point. Similarly, the '773 patent includes a check valve 22 downstream of ozone generator 20 and oxidation of the check valve will result in due course. Publication '309 includes a check valve 18 which is subject to flow of ozone therethrough (see

for example Figure 2). One must therefore come to the inescapable conclusion that each of these Burris teachings is devoid of any understanding that unidirectional flow of ozone can be accomplished without the use of a check valve through which ozone flows.

Each of the independent claims in the application has been significantly amended to clearly and unequivocally recite the use of a check valve upstream of the ozone generator that not only prevents flow of water into the ozone generator but also prevents flow of ozone through the check valve. Thus, the longevity and operational capability of the check valve will not be compromised by the oxidative effect of ozone. Thereby, a normal life span of the check valve can be expected and maintenance/repair to overcome the oxidative effects of ozone acting upon the check valves used in the Burris' apparatuses have been completely avoided.

It is appreciated that the present rejection is a final rejection and that Examiner Lawrence has significant discretion in his decision to enter or not enter this Response. No new issues have been introduced by the amendments to the claims. Instead, the claims have been amended for the purpose of bolstering and focusing upon the location and beneficial results of having a check valve in the suction line upstream of an ozone generator. Moreover, this feature was earlier claimed and therefore does not constitute a new issue nor require any further searching.

As a diligent attempt has been made to place this application in condition for allowance by addressing and focusing upon the contribution to the state of the art by the present invention, it is believed that the application is in condition for allowance, which allowance is respectfully requested.

Respectfully Submitted,

CAHILL, VON HELLENS & GLAZER P.L.C.

A handwritten signature in black ink, appearing to read 'C. Robert von Hellens', written in a cursive style.

C. Robert von Hellens  
Reg. No. 25,714

155 Park One  
2141 E. Highland Avenue  
Phoenix, Arizona 85016  
(602) 956-7000

c:\Clients\Kasten,Stephen\ToPTO\A-2Response-Feb06